IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.41349 of 2008
SHAMIM AHMAD @ SHAMIM AHMAD
Versus
STATE OF BIHAR
---

2. 17.11.2008 Heard Sri Arif Siddqui, Advocate for the petitioner, and the learned A.P.P. for the State.

The case is under Section 498A and 323 IPC. The allegation is of asking the lady complainant to bring Rs.4,00000/- from her father else she would not be allowed peacefully in his house and ultimately, expulsion of the lady in spite of the fact that the father of the lady had given a Hero Honda motorcycle.

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If one goes through the rejection order, one could find that it was more or less a rejection order on account of pressure exerted by the Advocates of the court or of an employee of the Civil Court than a just and proper order required under the facts of the case.

The Additional Sessions Judge, Kishanganj who was passing the order, appears lacking judicial acumen and temperament to handle such matters, as such, why he should mention in his rejection order that all the

lawyers present in his court, were making a submission to him that the petitioner was not ready to hear anything except demanding dowry. The Judge lacks in temperament, lacks in approach and also lacks a will to withstand such persons.

As regards the prayer for bail the simple fact as indicated above could be sufficient for directing the release of the above named petitioner from custody on furnishing bond of Rs.3,000/-(three thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Kishanganj, District-Kishanganj in Complaint Case No.1177-C of 2007. Specially in view of the fact that the petitioner was handed over to the police when he was called for reconciliation with the lady. Let a copy be personally communicated to the officer.

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(Dharnidhar Jha, J.)

B.Kr.